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SENATE BILL 1024

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ROD ADAIR

AN ACT

RELATING TO INSURANCE; MANDATING COVERAGE FOR BONE DENSITOMETRY

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 59A-22-41 NMSA 1978 is enacted to read:

"59A-22-41. [NEW MATERIAL] COVERAGE FOR BONE DENSITOMETRY. --

A. Each individual and group health insurance policy, nonprofit health care plan policy, health maintenance organization contract and certificate of insurance delivered or issued for delivery in this state shall provide coverage for bone densitometry, including single and dual photon absorptiometry and dual x-ray absorptiometry. Benefits shall be payable at a minimum as follows:

(1) for a woman with decreasing estrogen levels

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1 who is not using estrogen replacement therapy, two bone density  
2 tests in her lifetime under coverage by each insurer; provided  
3 that if other clinical indications of rapid bone loss occur, the  
4 lifetime limit shall not apply; and

5 (2) for all other persons diagnosed as having  
6 clinical indications of rapid bone loss, tests as prescribed by  
7 a health care provider.

8 B. Coverage pursuant to this section may be subject  
9 to deductibles and coinsurance provisions consistent with those  
10 applicable to other benefits under the same policy, contract or  
11 certificate.

12 C. The provisions of this section do not apply to  
13 short-term travel, accident-only or limited or specified disease  
14 policies. "

15 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,  
16 Chapter 127, Section 463, as amended) is amended to read:

17 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

18 A. No blanket or group health insurance policy or  
19 contract shall contain any provision relative to notice or proof  
20 of loss or the time for paying benefits or the time within which  
21 suit may be brought upon the policy that in the superintendent's  
22 opinion is less favorable to the insured than would be permitted  
23 in the required or optional provisions for individual health  
24 insurance policies as set forth in Chapter 59A, Article 22 NMSA  
25 1978.

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1           B. The following provisions of Chapter 59A, Article  
2 22 NMSA 1978 shall also apply as to Chapter 59A, Article 23 NMSA  
3 1978 and blanket and group health insurance contracts:

4           (1) Section 59A-22-1 NMSA 1978, except  
5 Subsection C thereof; and

6           (2) Section 59A-22-32 NMSA 1978.

7           C. The following provisions of Chapter 59A, Article  
8 22 NMSA 1978 shall also apply as to group health insurance  
9 contracts:

10           (1) Section 59A-22-33 NMSA 1978;

11           (2) Section 59A-22-34 NMSA 1978;

12           (3) Section 59A-22-34.1 NMSA 1978;

13           (4) Section 59A-22-35 NMSA 1978;

14           (5) Section 59A-22-36 NMSA 1978;

15           (6) Section 59A-22-39 NMSA 1978; [~~and~~]

16           (7) Section 59A-22-40 NMSA 1978; and

17           (8) Section 59A-22-41 NMSA 1978. "

18           Section 3. Section 59A-46-30 NMSA 1978 (being Laws 1993,  
19 Chapter 266, Section 29) is amended to read:

20           "59A-46-30. STATUTORY CONSTRUCTION AND RELATIONSHIP TO  
21 OTHER LAWS. --

22           A. The provisions of the Insurance Code other than  
23 Chapter 59A, Article 46 NMSA 1978 shall not apply to health  
24 maintenance organizations except as expressly provided in the  
25 Insurance Code and that article. To the extent reasonable and

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1 not inconsistent with the provisions of that article, the  
2 following articles and provisions of the Insurance Code shall  
3 also apply to health maintenance organizations and their  
4 promoters, sponsors, directors, officers, employees, agents,  
5 solicitors and other representatives [~~and~~]. For the purposes  
6 of such applicability, a health maintenance organization may  
7 therein be referred to as an "insurer":

- 8 (1) Chapter 59A, Article 1 NMSA 1978;
- 9 (2) Chapter 59A, Article 2 NMSA 1978;
- 10 (3) Chapter 59A, Article 3 NMSA 1978;
- 11 (4) Chapter 59A, Article 4 NMSA 1978;
- 12 (5) Subsection C of Section 59A-5-22 NMSA 1978;
- 13 (6) Sections 59A-6-2 through 59A-6-4 and  
14 59A-6-6 NMSA 1978;
- 15 (7) Chapter 59A, Article 8 NMSA 1978;
- 16 (8) Chapter 59A, Article 10 NMSA 1978;
- 17 (9) Section 59A-12-22 NMSA 1978;
- 18 (10) Chapter 59A, Article 16 NMSA 1978;
- 19 (11) Chapter 59A, Article 18 NMSA 1978;
- 20 (12) Chapter 59A, Article 19 NMSA 1978;
- 21 (13) Chapter 59A, Article 23B NMSA 1978;
- 22 (14) Section 59A-22-41 NMSA 1978;
- 23 [~~(14)~~] (15) Sections 59A-34-9 through  
24 59A-34-13, 59A-34-23, 59A-34-36 and 59A-34-37 NMSA 1978; and
- 25 [~~(15)~~] (16) Chapter 59A, Article 37 NMSA 1978.

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1           B. Solicitation of enrollees by a health maintenance  
2 organization granted a certificate of authority, or its  
3 representatives, shall not be construed as violating any  
4 provision of law relating to solicitation or advertising by  
5 health professionals, but health professionals shall be  
6 individually subject to the laws, rules, regulations and ethical  
7 provisions governing their individual professions.

8           C. Any health maintenance organization authorized  
9 under the provisions of the Health Maintenance Organization Law  
10 shall not be deemed to be practicing medicine and shall be  
11 exempt from the provisions of laws relating to the practice of  
12 medicine. "

13           Section 4. Section 59A-47-33 NMSA 1978 (being Laws 1984,  
14 Chapter 127, Section 879.32, as amended by Laws 1994, Chapter  
15 64, Section 10 and also by Laws 1994, Chapter 75, Section 34) is  
16 amended to read:

17           "59A-47-33. OTHER PROVISIONS APPLICABLE. -- The provisions  
18 of the Insurance Code other than Chapter 59A, Article 47 NMSA  
19 1978 shall not apply to health care plans except as expressly  
20 provided in the Insurance Code and that article. To the extent  
21 reasonable and not inconsistent with the provisions of that  
22 article, the following articles and provisions of the Insurance  
23 Code shall also apply to health care plans, their promoters,  
24 sponsors, directors, officers, employees, agents, solicitors and  
25 other representatives; and, for the purposes of such

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1 applicability, a health care plan may therein be referred to as  
2 an "insurer":

- 3 A. Chapter 59A, Article 1 NMSA 1978;
- 4 B. Chapter 59A, Article 2 NMSA 1978;
- 5 C. Chapter 59A, Article 4 NMSA 1978;
- 6 D. Subsection C of Section 59A-5-22 NMSA 1978;
- 7 E. Sections 59A-6-2 through 59A-6-4 and  
8 59A-6-6 NMSA 1978;
- 9 F. Section 59A-7-11 NMSA 1978;
- 10 G. Chapter 59A, Article 8 NMSA 1978;
- 11 H. Chapter 59A, Article 10 NMSA 1978;
- 12 I. Section 59A-12-22 NMSA 1978;
- 13 J. Chapter 59A, Article 16 NMSA 1978;
- 14 K. Chapter 59A, Article 18 NMSA 1978;
- 15 L. Chapter 59A, Article 19 NMSA 1978;
- 16 M. Subsections B through E of Section  
17 59A-22-5 NMSA 1978;
- 18 N. Section 59A-22-34.1 NMSA 1978;
- 19 O. Section 59A-22-39 NMSA 1978;
- 20 P. Section 59A-22-40 NMSA 1978;
- 21 Q. Section 59A-22-41 NMSA 1978;
- 22 [~~Q.~~] R. Sections 59A-34-9 through 59A-34-13 [~~NMSA~~  
23 ~~1978~~] and [~~Section~~] 59A-34-23 NMSA 1978;
- 24 [~~R.~~] S. Chapter 59A, Article 37 NMSA 1978, except  
25 Section 59A-37-7 NMSA 1978; and

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[~~S-~~] T. Section 59A-46-15 NMSA 1978. "

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